

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5043 OF 2017

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner in Cr.No.34 of 2017 on the file of Station House Officer, Somandepalli Police Station, Anantapuram District, registered for the offences punishable under sections 3 (1) (r) (s) of SC & ST (PoA) Act, 2015

2 The learned counsel for the petitioner submitted that the second respondent foisted a false case against the petitioner. He further submitted that the allegations made in the complaint do not constitute any offence much less the offence alleged to have been committed by the petitioner.

3 The learned Public Prosecutor representing the State of Andhra Pradesh submitted that the allegations made in the complaint prima facie constitute the offences alleged to have been committed by the petitioner.

4 A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de-facto* complainant in Cr.No.34 of 2017. As per the allegations made in the complaint, the petitioner agreed to sell vacant land to the second respondent and others for the purpose of construction of a temple. It is further alleged that the petitioner entered into an agreement of sale with third parties in respect of the same land. It is further alleged that when the second respondent questioned the acts of the petitioner, the petitioner abused and insulted the second respondent in the name of his caste.

5 While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation only. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. The allegations made in the complaint are prima facie sufficient to investigate into the matter.

6 Having regard to the facts and circumstances of the case on hand and also the principle laid down in **R.P.Kapoor v. State of Punjab**¹, **State of Haryana v. Bhajan Lal**², **V.Y.Jose v State of Gurajat**³ and **Teeja Devi v State of Rajasthan**⁴, I am of the considered view that this is not a fit case to quash the proceedings at this stage.

7 Having regard to the facts and circumstances of the case and also the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**⁵, the Station House Officer, Somandepalli Police Station, Anantapuram District is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Cr.No.34 of 2017 in so far as the petitioner herein is concerned.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ (2014) 8 SCC 273

8 With the above direction, the Criminal Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T. SUNIL CHOWDARY, J

Date: 3rd July, 2017
Kvsn

